

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

ANTHONY BURDEN

*

Petitioner,

*

v.

* CIVIL ACTION NO. 03:05-CV-433-F

DONAL CAMPBELL, *et al.*,

*

Respondents.

*

ORDER

In their supplemental answer filed August 15, 2005 Respondents state that Petitioner's assertion that appellate counsel's ineffectiveness constitutes cause for those claims considered procedurally defaulted has never been presented before in the state courts. (Doc. No. 16). Upon consideration of the supplemental answer, it is

ORDERED that on or before August 26, 2005 Respondents file a second supplemental answer which indicates the posture of Petitioner's ineffective assistance of appellate counsel claim in this court as a result of his failure to present the claim in state court.

Done this 17th day of August, 2005.

/s/ Vanzetta Penn McPherson
VANZETTA PENN MCPHERSON
UNITED STATES MAGISTRATE JUDGE